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DEPT. OF TRANSPORTATION
DOCKETS
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**BEFORE THE
DEPARTMENT OF TRANSPORTATION
WASHINGTON, D.C.**

In the matter of the application of)

COMPANIA MEXICANA DE AVIACION,)
S.A. DE C.V.)

for an exemption from 49 U.S.C. 41301)
_____)

Docket OST-99-5006 - 5
OST-97-2272 - 4

APPLICATION FOR RENEWAL OF EXEMPTIONS

Communications with respect to this
document should be addressed to:

Robert D. Papkin
Charles F. Donley II
SQUIRE, SANDERS & DEMPSEY L.L.P.
1201 Pennsylvania Avenue, N.W.
Washington, D.C. 20044
(202) 626-6600

Counsel to Compania Mexicana de Aviacion, S.A.
de C.V.

DATED: April 4, 2001

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APPLICATION FOR RENEWAL OF EXEMPTIONS

Compania Mexicana de Aviacion, S.A. de C.V. ("Mexicana") hereby requests renewal of the exemption authorities granted to it by the Department of Transportation (the "Department") in the above-captioned dockets to perform scheduled foreign air transportation of persons, property and mail between points in Mexico and the United States. Mexicana requests renewal of these exemptions for a one-year period on their existing terms and conditions. Mexicana relies upon the provisions of the Administrative Procedures Act and Part 377 of the Department's procedural regulations to continue its existing authorizations in force pending a final decision on this renewal request.¹

¹ Mexicana requests a waiver of the advance filing requirement of Part 377 to the extent necessary to permit these authorities to remain in effect beyond their expiration dates.

Application of Compania Mexicana de
Aviacion, S.A. de C.V.
April 4, 2001

As indicated below, all of the factors that originally led the Department to grant these exemptions to Mexicana continue in existence at the present time. The bases for the grant of these exemptions were reaffirmed in the 1991 United States-Mexico Air Transport Services Agreement. Reciprocity on the part of the Government of Mexico continues to provide additional justification for the renewal of these operating authorities. In further support of its request for renewal, Mexicana states as follows:

1. Mexicana holds authority in Docket OST-97-2272 to operate scheduled services between Mexico City, Mexico and Las Vegas, Nevada, and in Docket OST-99-5006 to conduct scheduled transportation between San Luis Potosi, Mexico and San Antonio, Texas.

2. On November 21, 1991, the United States and Mexico signed an amendment to the Air Transport Agreement of August 15, 1960 broadening air transport services between the two countries and permitting designated Mexican carriers to operate from "a point or points in Mexico to a point or points in the United States." The routes that are the subject of this renewal request are clearly within the scope of the 1991 amendment. Mexicana has been authorized to serve these routes and has been designated by the Mexican Government in accordance with the terms of the 1960 Agreement. The United States Government has long recognized that the inclusion of a particular service in a bilateral aviation agreement to which the United States is a party and designation of a

Application of Compania Mexicana de
Aviacion, S.A. de C.V.
April 4, 2001

qualified foreign air carrier for that service is, by itself, a *prima facie* indication of the public interest in operations on that route.²

3. Mexicana's fitness remains beyond question. Mexicana is subject to the safety and operational rules of the Government of Mexico. Mexico is a contracting party to the Convention on International Civil Aviation and observes all applicable ICAO standards.

4. This renewal application raises no environmental or energy issues. Similarly, approval of the application will not result in a near term increase in fuel consumption of ten million gallons or more.

WHEREFORE, Compania Mexicana de Aviacion, S.A. de C.V. ("Mexicana") respectfully requests that the exemptions granted to it in the above-captioned dockets be renewed for an additional one-year period on their existing terms

² See, S.REP. No. 96-329, at 4 (1979), *reprinted in* 1980 U.S.C.C.A.N. 54, 57 ("The negotiation of a bilateral agreement itself represents a determination by the Government of the United States that the grant of route authority provided for under the bilateral is in the 'public interest.'").

Application of Compania Mexicana de
Aviacion, S.A. de C.V.
April 4, 2001

and conditions.

Respectfully submitted,

A handwritten signature in black ink, reading "Charles F. Donley II". The signature is written in a cursive style with a small "II" at the end.

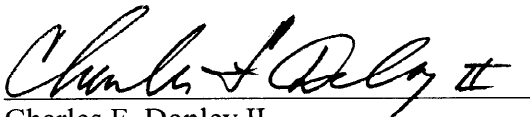
Robert D. Papkin
Charles F. Donley II
SQUIRE, SANDERS & DEMPSEY L.L.P.
1201 Pennsylvania Avenue, N.W.
Washington, D.C. 20044
(202) 626-6600

Counsel to Compania Mexicana de Aviacion, S.A.
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DATE: April 4, 2001

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Application for Renewal of Exemptions has this day been served on all persons identified on the attached service list via first class mail, postage prepaid, or telecopier.


Charles F. Donley II

DATED: April 4, 2001

Carl B. Nelson, Jr.
Associate General Counsel
American Airlines, Inc.
1101 17th Street, N.W., Suite 600
Washington, D.C. 20036

Glenn Wicks
The Wicks Group
900 19th Street, N.W.
Suite 350
Washington, D.C. 20006

Herschel Kamen
Staff Vice President, International and
Regulatory Affairs
Continental Airlines, Inc.
Dept.: HQSGV
P.O. Box 4607
Houston, Texas 77210-4607

Joanne Young
Baker & Hostetler
1050 Connecticut Avenue, N.W., Suite 1100
Washington, D.C. 20036

D. Scott Yohe
Senior Vice President
Delta Air Lines, Inc.
Federal Affairs Office
1275 K Street, N.W., Suite 1200
Washington, D.C. 20005

Megan Rae Rosia
Managing Director, Government Affairs and
Associate General Counsel
Northwest Airlines, Inc.
901 15th Street, N.W., Suite 310
Washington, D.C. 20005

Julie Sorenson Sande
13873 Park Center Road
Suite 490
Herndon, Virginia 20171

Donald T. Bliss, Jr.
O'Melveny & Myers, LLP
555 13th Street, N.W.
Washington, D.C. 20004-1109

Jeffrey A. Manley
Wilmer, Cutler & Pickering
2445 M Street, N.W.
Washington, D.C. 20006

Marshall S. Sinick
Squire, Sanders & Dempsey L.L.P.
1201 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

R. Tenney Johnson
2121 K Street, N.W.
Suite 800
Washington, D.C. 20037

David L. Vaughn
Kelley Drye & Warren
1200 19th Street
Suite 500
Washington, D.C. 20036

Nathaniel P. Breed, Jr.
Shaw Pittman
2300 N Street, N.W.
Washington, D.C. 20037

Director, Office of Aviation Negotiations
U.S. Department of State
Room 5531
Washington, D.C. 20520

Richard P. Taylor
Stephoe & Johnson
1330 Connecticut Avenue, N.W.
Washington, D.C. 20036

Flight Standards Service
Federal Aviation Administration
800 Independence Avenue, S.W.
Washington, D.C. 20591

R. Bruce Keiner
Crowell & Moring
1002 Pennsylvania Avenue, N.W.
Washington, D.C. 20004